

STATE OF CALIFORNIA STATE WATER RIGHTS BOARD

ORDER

APPLICATION 23

PERMIT 273

LICENSE 1986

ORDER ALLOWING CHANGE IN PLACE OF USE

WHEREAS license was issued to Miller and Lux, Incorporated, and was filed with the County Recorder of Madera County on October 31, 1939, and

WHEREAS license was subsequently assigned to United States Bureau of Reclamation, and

WHEREAS licensee has established to the satisfaction of the State Water Rights Board that the change in place of use under Application 23, Permit 273, License 1986, for which petition was submitted on December 23, 1959, will not operate to the injury of any other legal user of water and the Board so finds;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to change the place of use under said Application 23, Permit 273, License 1986, to a place of use described as follows, to wit:

WITHIN A GROSS AREA OF 5,431,000 ACRES INCLUDED AS A PART OF THE AREA SHOWN TO BE SERVED BY SAN JOAQUIN RIVER WATER ON MAPS 214-208-3330 AND 214-208-3331 REVISED AS OF JULY 19, 1960.

WITNESS my hand and the seal of the State Water Rights Board of the State of California this 30th day of December, 1960



L. K. Hill
L. K. Hill
Executive Officer

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

ORDER

APPLICATION 23

PERMIT 273

LICENSE 1986

ORDER ALLOWING CHANGE IN POINT OF DIVERSION
AND CHANGE IN PLACE OF USE

Licensee having established to the satisfaction of the State Water Rights Board that the change in point of diversion and change in place of use under Application 23, Permit 273, License 1986, for which petition was submitted on December 20, 1951 will not operate to the injury of any other legal user of water, the Board so finds, and

IT IS ORDERED that permission be and the same is hereby granted to change the point of diversion under said Application 23, Permit 273, License 1986, to point of diversion described as follows, to wit:

FRIANT DAM, NORTH THIRTY-NINE DEGREES, THIRTY MINUTES WEST (N39°30'W), TWO THOUSAND TWO HUNDRED (2200) FEET FROM S $\frac{1}{4}$ CORNER OF SECTION 5, T11S, R21E, MDB&M, BEING WITHIN NW $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF SAID SECTION 5.

IT IS FURTHER ORDERED that permission be and the same is hereby granted to change the place of use under said Application 23, Permit 273, License 1986, to a place of use described as follows, to wit:

A GROSS AREA OF 4,986,000 ACRES WITHIN THE POTENTIAL SERVICE AREA SHOWN ON MAP NUMBER 214-212-37 OF THE UNITED STATES DATED APRIL 10, 1951 AND REVISED DECEMBER 13, 1951 AND ENTITLED "POTENTIAL SERVICE AREA, SAN JOAQUIN RIVER APPLICATIONS NUMBERS 23, 234, 1465, 5638,

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATIONS 23 (LICENSE 1986), 234 (PERMIT 11885), 1465 (PERMIT 11886), and 5638 (PERMIT 11887)

**ORDER APPROVING TEMPORARY URGENCY CHANGE
TO ADD MENDOTA POOL AS AN ADDITIONAL POINT OF REDIVERSION**

WHEREAS:

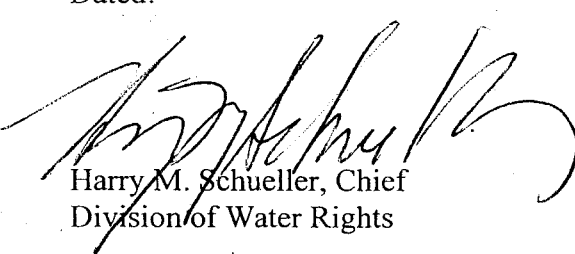
1. The U. S. Bureau of Reclamation holds License 1986 and Permits 11885, 11886, and 11887 for a combined direct diversion of 6,500 cubic feet per second and combined storage of 2,210,000 acre-feet per annum of water in Lake Millerton (Friant Dam).
2. Permittee petitioned the State Water Resources Control Board, (SWRCB) Division of Water Rights for a temporary urgency change pursuant to Water Code Section 1435 to add a point of rediversion at the Mendota Pool on the San Joaquin River. The petition was filed to facilitate a short-term exchange of CVP water between the Friant Division contractors and other CVP contractors south of the Sacramento-San Joaquin Delta in support of a proposed water management demonstration program (program) for the San Joaquin River. The program was developed by the Friant Water Users Authority and a coalition of environmental and fishing organizations to evaluate benefits to riparian habitat along the San Joaquin River above Mendota Pool and to gather information about the operational impacts of such a program. The program is intended to be completed by November 1, 1999.
3. The program involves a one-time series of releases from Friant Dam (estimated total of 40,000 acre-feet) which will be delivered down the San Joaquin River to the Mendota Pool to meet Reclamation's water service obligation. This water will be in exchange of an equivalent amount of CVP water that would otherwise have been delivered to the Mendota Pool from the Delta. The releases will occur from mid-June through October 1999 and will consist of CVP water that is above the minimum releases ordinarily necessary to meet the requirements of water right settlement contracts between Friant Dam and Gravelly Ford.
4. In order to implement the program, the Friant Contractors have agreed to allow a portion of the Friant Division Water supplies that they would normally receive during water year March 1, 1999 through February 29, 2000 to be released from Friant Dam into the San Joaquin River, provided they receive an equivalent amount of water from other sources during that time period. An equivalent amount of water that would normally be delivered to the Mendota Pool from the Delta will be wheeled via the Federal CVP/State Water Project facilities to the Cross Valley Canal and subsequently returned to the Friant service area. Use of the State Water Project Facilities will be under an agreement with the Department of Water Resources.

5. No new or increased Sacramento/San Joaquin Delta exports will occur under the proposed exchange.
6. The Permittee has an urgent need to make the proposed change.
7. The petitioned change will not operate to the injury of any other lawful user of water, will not have an unreasonable effect upon fish, wildlife, or other instream beneficial uses, and is in the public interest.
8. This action is exempt from the California Environmental Quality Act under Class 6 pursuant to Title 14, California Code of Regulations Section 15306.
9. Water Code Section 1438 allows the SWRCB to issue a temporary urgency change in advance of notice.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The Mendota Pool, located in the SE ¼ of the SE ¼ of Section 19, T13S, R15E, MDB&M, is added as a temporary point of rediversion to License 1986 and Permits 11885, 11886, and 11887.
2. The place of use in Permits 12721, 12722, 12723, 12860, 11315, 11316, and 11318 is temporarily expanded to include the Friant service area to the extent necessary to accomplish the program referenced in this order. The increase in place of use is allowed provided the delivery of water to the Friant service area does not result in an increase in Delta exports above that which would have occurred absent the program.
3. This order shall take effect immediately and be in force until January 8, 2000.

Dated: **JUL 08 1999**



Harry M. Schueller, Chief
Division of Water Rights

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

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ORDER

APPLICATION 23

PERMIT 273

LICENSE 1986

5817 TO 5822 INCLUSIVE AND 9369" AND FILED OF RECORD WITH
LICENSE 1986.

WITNESS my hand and the seal of the State Water Rights Board of
the State of California this 29th day of June, 1959

L. K. Hill

L. K. Hill
Executive Officer



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STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE 1986

PERMIT 273

APPLICATION 23

THIS IS TO CERTIFY, That Miller & Lux, Inc., of San Francisco, California

10/30/39 ASSIGNMENT MADE to U. S. BUREAU OF RECLAMATION

OVER

has made proof to the satisfaction of the Division
of Water Resources of California of a right to the use of the waters of San Joaquin River in Madera County

tributary of Suisun Bay

for the purpose of irrigation, stock watering and domestic uses
under Permit 273 of the Division of Water Resources and that said right to the use of said waters has
been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources
and the terms of the said permit; that the priority of the right herein confirmed dates from March 27, 1915;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed three hundred seventy-three
(373) cubic feet per second from about April 1st to about July 1st of each season,
provided, however, that no rights may be claimed under this license to appropriate
more than forty-four thousand three hundred forty (44340) acre feet in any one year
and provided further that no right may be claimed under this license either singly
or with any other right to appropriate more than two and five tenths (2.5) acre
feet per acre per annum for the irrigation of uncultivated areas of land not devoted
to cultivated crops. In case of rotation the equivalent of such continuous flow
allowance for any thirty day period may be diverted at a greater rate in a shorter
time if there be no interference with other vested rights.

The point of diversion of such water is located South six thousand three hundred eighty-
eight and seventy-eight hundredths (6388.78) feet and west nine thousand two hundred
forty-seven and eighty-three hundredths (9247.83) feet from the northeast corner
of Section 14, T 13 S, R 16 E, M.D.B.&M. and being within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section
22, T 13 S, R 16 E, M.D.B.&M.

A description of the lands or the place where such water is put to beneficial use is as follows:

22,170 acres within Townships 11, 12 and 13 South, Ranges 15 and 16 East,
M.D.B.&M. as shown on the map filed April 14, 1928, with the Division of Water
Resources.

5 Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from
time to time by the Division of Water Resources.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of
diversion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes of 1913, as amended, which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that at any time after the expiration of twenty years after the granting of a license, the state or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee, or licensee, or the heirs, successors, or assigns, of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors, or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. The findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted, or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; provided, however, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and providing, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and providing, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and provided, further, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness my hand and the seal of the Department of Public
Works of the State of California, this seventeenth
day of October, 1939.

EDWARD HYATT
State Engineer

By Harold Conkling

2-1-80 Name chgd to U.S. Water + Power
Res. service



1986

LICENSE

STATE OF CALIFORNIA

DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE
TO APPROPRIATE WATER

ISSUED TO
Miller & Lux, Inc.

DATED
October 17, 1939